



**Senate Committee on Transportation and Elections
Senate Bill 341 Testimony
January 12, 2012**

During 2009, the Legislature approved a law mandating a person may not open motor vehicle doors on a highway without first taking necessary precaution to ensure they will not interfere with traffic or endanger any person.

After this bill became law, I was contacted by David Schmidt. David is a constituent as well as a traffic officer for the State of Wisconsin. He shared with me concerns from law enforcement that the new traffic law will put police at an increased and unnecessary risk of liability.

Police routinely leave their car door open during highway traffic stops. This practice is necessary for the safety of officers and emergency personnel. However, this practice conflicts with the 2009 law.

Under this bill, law enforcement, fire fighters, and emergency medical personnel are explicitly allowed to leave open any vehicle door while the vehicle is stopped and the person is performing official duties.

This is simple, common-sense legislation that should garner broad support. Thank you for your attention.



Madam Chairperson and committee members,

Thank you for the opportunity to testify in support of Senate Bill 341.

My name is David Schmidt. I work as a traffic officer for the State of Wisconsin and am a former Unified Tactical Instructor for Vehicle Contacts. I practice due care every time I open the car door into oncoming traffic and when I exit the cruiser. Unfortunately, the motoring public does not practice due care while driving and passing emergency vehicles. Motorists often disregard the move over/slow down law for emergency vehicles stopped on Wisconsin highways, often coming within inches of the squad, and that is with the car door closed. I have lost count on the number of motorists that fail to move over or slow down for an emergency vehicle stopped on the highway, either in or out of traffic, and the emergency worker is unable to take enforcement action due to performance of his duties at hand.

The passage of Act 22 in 2009 repealed the bicyclist requirement to exercise due care when passing parked vehicles. This shifted the due care requirement from the bicyclist to the parked motorist when opening a car door on the highway and has a direct affect on law enforcement community during traffic stops and the performance of their duties, exposing them to greater liability when opening an emergency vehicle door into traffic.

Specifically, Wisconsin State statute 346.94(20)(a) states, "No person may open any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle."

With this in mind, please consider the following when deciding whether or not to pass Senate Bill 341; in the book "**Advanced Vehicle Stop Tactics: Skills for Today's Survival Conscious Officer**," by Michael T. Rayburn, he outlines tactics for a low risk or unknown traffic stop. Under the section exiting your vehicle he states (pages 7 and 8), "...leave the door to your police vehicle open. This will give you some added

protection by forcing any vehicles to go around the door. It will widen your safety zone as you approach the violator's door. By leaving the door open it allows any traffic approaching from the rear to see the open car door. They will think that an officer may be emerging from the police vehicle and will automatically slow down. Now, some Police Chiefs and (Legislators) may get upset at this tactic. Please remember that it's cheaper to buy a new car door than it is to replace the officer. Leaving a car door open becomes an even greater issue for officer safety during high-risk traffic stops when the officer is using the door as a place of concealment or cover.

I have used this tactic, depending on the incident at hand, and it does offer an additional margin of safety for the officer.

As a member representative, I would also put on record the support of the Wisconsin Law Enforcement Officers Association in favor of the passage of Senate Bill 341.

With this in mind, I thank you in advance and ask that you take the time to refer Senate Bill 341 to the full Wisconsin Senate to be passed and allow the exemption to open and leave open any emergency vehicle door and protect the emergency workers of the State of Wisconsin from further liability.